

# Vilnius NATO Summit and Security Guarantees for Ukraine

Oleksandr Chalyi  
July 2023

GCSP Policy Brief No.8



**GCSP**  
Geneva Centre for  
Security Policy

# Geneva Centre for Security Policy

The Geneva Centre for Security Policy (GCSP) is an international foundation serving a global community of organisations and individuals. The Centre's mission is to advance peace, security and international cooperation by providing the knowledge, skills and network for effective and inclusive decision-making through executive education, diplomatic dialogue, research and policy advice.

## The GCSP Policy Briefs Series

The GCSP Policy Briefs series addresses current security issues, deduces policy implications and proposes policy recommendations. It aims to directly inform policy- and decision-making of states, international organisations and the private sector.

Under the leadership of Ambassador Thomas Greminger, Director of the GCSP, the series is edited by Professor Nayef AL-Rodhan, Head of the Geopolitics and Global Futures Programme, and Mr Tobias Vestner, Head of the Research and Policy Advice Department, and managed by Ms Christine Garnier Simon, Administration and Coordination Officer, GCSP Geopolitics and Global Futures.

### Geneva Centre for Security Policy

Maison de la paix  
Chemin Eugène-Rigot 2D  
P.O. Box 1295  
1211 Geneva 1  
Switzerland  
Tel: + 41 22 730 96 00  
E-mail: [info@gcsp.ch](mailto:info@gcsp.ch)  
[www.gcsp.ch](http://www.gcsp.ch)

ISBN: 978-2-88947-414-1

©Geneva Centre for Security Policy, July 2023

The views, information and opinions expressed in this publication are the author's own and do not necessarily reflect those of the GCSP or the members of its Foundation Council. The GCSP is not responsible for the accuracy of the information.

## About the author

**Ambassador Oleksandr Chalyi** has over 45 years of experience in diplomacy, leadership, law, advisory and education in the public and private sectors of Ukraine. For many years, as a high-ranking diplomat, Amb. Oleksandr Chalyi has held key leadership positions at the Ministry of Foreign Affairs of Ukraine. He was directly responsible for numerous negotiations on key strategic and problematic issues of Ukrainian foreign and security policy.

He represented Ukraine in the Council of Europe as an ambassador as First Deputy Minister of Foreign Affairs of Ukraine. Later on, he served as the Diplomatic Adviser of President Yushchenko and Deputy Head of Presidential Secretariat; in this capacity he coordinated developing key Ukrainian strategic international and security initiatives.

Since February 2022, Ambassador Chalyi has been involved, as a diplomatic volunteer, in negotiations with the Russian Federation on a peaceful settlement of the war.

## Introduction

The July NATO summit in Vilnius will undoubtedly be a momentum of truth for future relations with Ukraine. NATO will face one of the most difficult strategic dilemmas in its recent history. Namely, it will have to find an answer to the question “What threatens the security of the member states of the organization more - membership or non-membership of Ukraine in NATO?”

Today, it is obvious that a consensus among all NATO members for the adoption in Vilnius of a historic decision on Ukraine's membership in the organization has not yet been reached. However, it is also clear that the principle of strategic uncertainty regarding Ukraine's membership in NATO will also not receive consensus support at the Vilnius Summit.

At a time when the Ukrainian people, with enormous sacrifices, are successfully resisting full-scale Russian aggression while defending de facto NATO's eastern borders, most NATO members are in favour of a strategic certainty of security relations with Ukraine.

But the key point is that Ukraine itself is no longer ready to be satisfied with the “open door policy” or the rubber formula of the 2008 NATO Bucharest summit, which do not contain a clear algorithm (MAP or NATO decision on the adoption procedure) when and under what conditions NATO will be legally obliged to accept Ukraine to the Alliance.

In this connection, President Zelensky repeatedly and firmly declares zero tolerance for any attempts during the Vilnius summit to leave Ukraine in a zone of strategic uncertainty regarding its prospects for accelerated NATO membership.

Therefore, to give a concrete and honest answer is an imperative that every NATO member must comply with at the Vilnius Summit. It should be remembered that Ukraine pays for this momentum of truth with the blood of its soldiers and civilians, defending also de facto NATO's eastern borders.

Such a response also suggests that any previous experience of Ukraine and NATO on security guarantees should be carefully studied and taken into account in the context of new geopolitical realities, so that mistakes and achievements of past periods are taken into account when making new decisions.

## The Security Challenge and Dilemma

### What security guarantees is Ukraine ready to trust after the Budapest Memorandum?

On 5 December 1994, in Budapest, Ukraine signed the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-proliferation of Nuclear Weapons.

In exchange for the commitment of Ukraine to eliminate all nuclear weapons from its territory (third stockpile of nuclear weapons in the world), the Guarantee States (US, UK, Russia, France and China) pledged "to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine" (paragraph 2 of Memorandum).

Unfortunately, the security guarantees under the Budapest Memorandum did not ensure the sovereignty and territorial integrity of Ukraine and did not protect Ukraine from Russian aggression because, according to the official position of a number of Guarantee States, they were:

- assurances but not guarantees;
- non-legally binding;
- soft but not hard;
- general but not specific;
- fixed in a memorandum but not an international treaty;
- not ratified by parliaments.

Given the "bitter experience" of the Budapest Memorandum, it is quite understandable that Ukraine can trust any new security guarantees as tangible and credible only if they will be legally binding, as comprehensive as possible, maximum specific and hard international obligations accepted by Guarantee State in form of international treaty, subject to ratification by its parliament.

### What was on the negotiation table on 29 March 2022 in Istanbul and later?

Almost immediately after the start of Russia's full-scale armed aggression against Ukraine, negotiations began to find a diplomatic settlement to stop hostilities. Ukraine insisted on the immediate restoration of the status quo on 24 February 2022 (the start date of the Russian invasion), which would be guaranteed by effective and reliable security guarantees for Ukraine from the permanent members of the UN Security Council, including the Russian Federation.

Proceeding from the fact that Russia violated its obligations under the Budapest Memorandum, Ukraine insisted that the scope, content and mechanism of action of these guarantees be as close as possible and equal to the security guarantees set forth in Article 5 of the NATO Charter.

In essence, this was a key Ukrainian requirement during all the negotiations, without which the conclusion of any peace treaty with Russia for Ukraine would be absolutely unacceptable. During the negotiations on 29 March 2022, Russia fully agreed with the position of Ukraine on this issue, which was recorded in Paragraph 5 of the Istanbul Communiqué, in particular:

“Ukraine and the guarantor-states agree that in the event of aggression, any armed attack against Ukraine, or any military operation against Ukraine each of the guarantor-states, after urgent and immediate mutual consultations (which must be held within three days) on the exercise of the right to individual or collective self- defence (as recognised by Article 51 of the UN Charter) will provide (in response to and on the basis of an official appeal by Ukraine) assistance to Ukraine, as a permanently neutral state under attack. This aid will be facilitated through the immediate implementation of such individual or joint actions as may be necessary, including the closure of Ukraine’s airspace, the provision of necessary weapons, the use of armed force with the goal of restoring and then maintaining Ukraine’s security as a permanently neutral state.

Any such armed attack (any military operation at all) and all measures taken as a result will be reported immediately to the UN Security Council. Such measures will cease when the UNSC takes the measures needed to restore and maintain international peace and security.”

Comparing the above text of paragraph 5 of the Istanbul Communiqué with the text of Article 5 of the NATO Charter, it is easy to see that the mechanism for providing security guarantees to Ukraine, their scope and content, is practically identical to the security guarantees that the member states of the Alliance have in accordance with Article 5 of the NATO Charter, namely:

“The Parties agree that in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.”

In particular, according to paragraph 5 of the Istanbul Communiqué, as in the case of Article 5 of the NATO Charter, security guarantees provided to Ukraine:

- act “in the event of any armed attack against Ukraine” (“an armed attack against one or more of them” - article 5 of NATO); - implemented by the Guarantor States through “individual or joint actions as may be necessary” (“individually and in concert (...) as it deems necessary” - article 5 of NATO);
- include “the use of armed force with the goal of restoring and then maintaining Ukraine’s security” (“the use of armed force, to restore and maintain the security of the North Atlantic area” - article 5 of NATO);

It was also fundamentally important that paragraph 7 of the Istanbul Communiqué expressly provided that the future Treaty on Security Guarantees to Ukraine would enter into force subject to its ratification by the parliaments of Ukraine and the Guarantor States.

Taking into account the fact that it was initially assumed that all permanent members of the UN Security Council would be the guarantors of Ukraine's security, it is obvious that the Treaty on Security Guarantees for Ukraine eliminated almost all the shortcomings of the Budapest Memorandum that were criticised. According to the Istanbul Communiqué: “These international security guarantees for Ukraine would not extend to Crimea, Sevastopol, or certain areas of the Donbas.”

In mid-April 2022, after the whole world learned about the massive war crimes of the Russian army in Bucha, Irpen and Borodianka, the leaders of the United States and Great Britain declared that it was unacceptable for their states to participate in the multilateral Treaty on Security Guarantees for Ukraine together with the Russian Federation. At the same time, they assured that they were ready to give security guarantees to Ukraine independently or in a multilateral format without the participation of the Russian Federation.

In this situation, when the provision of joint security guarantees to Ukraine by all five permanent members of the UN Security Council became fundamentally impossible, the relevant negotiations with the Russian Federation were terminated. From the position of Ukraine, it did not make sense to receive any unilateral security guarantees from the Russian Federation - the aggressor state, which has violated its obligations under the Budapest Memorandum.

So, immediately at the end of April - beginning of May 2022, Ukraine held a series of consultations in a multilateral format with high representatives of the United States, Great Britain, France and Germany, submitting for their consideration a draft “Treaty on Guarantees of Ukraine's Security”, in which the mechanism for providing security guarantees to Ukraine was regulated similarly to Article 5 of the NATO Charter.

Their reaction to the Ukrainian proposals was extremely cautious and restrained. It became obvious that they were not ready to provide Ukraine with security guarantees close in content to NATO Article 5, which would include “the use of armed force, to restore and maintain the security of Ukraine” and which would be enshrined in an international multilateral treaty.

In general, the consolidated response to the Ukrainian draft treaty proposals on security guarantees to Ukraine was paragraph 5 of the G7 Leaders’ Statement, dated 8 May 2022, which, in particular, stated that:

“(…) the G7, reassured President Zelenskyy of our continued readiness to undertake further commitments to help Ukraine secure its free and democratic future, such that (...). To this end, we will pursue our ongoing military and defence assistance to the Ukrainian Armed Forces, continue supporting Ukraine in defending its networks against cyber incidents, and expand our cooperation, including on information security. We will continue to support Ukraine in increasing its economic and energy security.”

As can be seen from the text above, Ukraine's Western allies at the beginning of May 2022 were ready to provide Ukraine with only a set of soft security guarantees in the form of military and defence assistance, but which completely excluded hard security guarantees, i.e. any possibility the use of their armed forces to restore and maintain security of Ukraine.

But, even with regard to soft security guarantees for Ukraine, they were not ready to give them the form of legally binding agreements, as evidenced by the use in the text of the words “reassured” instead of “guaranteed”; “commitments” instead of “agreements, or obligations”.

## **What was suggested in the Kyiv Security Compact?**

The Kyiv Security Compact, in essence, was an attempt, with the help of leading experts from across the democratic world, led by former NATO Secretary General A. Rasmussen and Head of the Office of the President of Ukraine A. Yermak, to find “a magic compromise” between the opposing positions of Ukraine and key NATO countries in terms of volume, the content and mechanism of implementation of future international guarantees for Ukraine.



The document includes a set of recommendations, set out in the form of a concept for a future agreement (or agreements), regarding effective and realistic international security guarantees for Ukraine. In particular, the key recommendations of the Kyiv Security Compact are the following:

- “The strongest security guarantee for Ukraine lies in its capacity to defend itself against an aggressor under the UN Charter’s article 51. To do so, Ukraine needs the resources to maintain a significant defensive force capable of withstanding the Russian Federation’s armed forces and paramilitaries.
- This requires a multi-decade effort of sustained investment in Ukraine’s defence industrial base, scalable weapons transfers and intelligence support from allies, intensive training missions and joint exercises under the European Union and NATO flags.
- The security guarantees will be positive; they lay out a range of commitments made by a group of guarantors, together with Ukraine. They need to be binding based on bilateral agreements, but brought together under a joint strategic partnership document – called the Kyiv Security Compact.
- The Compact will bring a core group of allied countries together with Ukraine. This could include the US, UK, Canada, Poland, Italy, Germany, France, Australia, Turkey, and Nordic, Baltic, Central and Eastern European countries.”

A comprehensive analysis of the above key recommendations in the context of the entire concept of the international security guarantees for Ukraine, set out in the Kyiv Security Compact, allows us to draw the following conclusions.

Firstly, the authors of the Kyiv Security Compact categorically state that:

“The Budapest Memorandum on Security Assurances proved worthless. No sufficiently robust, legally and politically binding measures were in place to deter Russian aggression.”

Thus, they consider the Kyiv Security Compact as a fundamentally new international document not based on the provisions of the Budapest Memorandum, which should provide Ukraine with unique and effective security guarantees.

Secondly, the Kyiv Security Compact proceeds from the fact that the guarantees provided to Ukraine should be applied:

- solely for the purpose of maintaining its capacity to defend itself against an aggressor under the UN Charter’s article 51, i.e. should not include the possibility of collective self-defence;
- to both deter (deterrence by denial) and – if needed – defend (deterrence by punishment) against armed attack or acts of aggression;

- throughout Ukraine's internationally recognised borders;
- in order to maintain a significant and sustainable deterrence and defence capabilities against the Russian Federation;
- presumably before Ukraine's accession to NATO.

Thirdly, the Kyiv Security Compact suggests that the guarantees provided to Ukraine should include, with the exception of the armed forces, all the necessary political, financial, defence, diplomatic and sanctions resources that will “enable Ukraine to stop the aggression, restore its sovereignty, ensure its security, military edge, and capability to deter its enemies and defend itself by itself against any threat”.

Fourthly, the Kyiv Security Compact assumes that it will consist of a joint document on strategic partnership signed by the guarantor states and Ukraine, as well as bilateral agreements between Ukraine and the guarantor states. It is also proposed that a joint strategic partnership, namely called Kyiv Security Compact, be politically binding, and in addition to it, the guarantors will take “legal bilateral and political obligations to Ukraine, both at the level of the executive branch and their respective legislative organs.”

Fifthly, it is suggested that the Kyiv Security Compact should be co-signed together with Ukraine by a core group of allied states, which could include the US, UK, Canada, Poland, Italy, Germany, France, Australia, Turkey, and Nordic, Baltic, and Central European countries, i.e. predominantly NATO member states.

But it is not excluded that “various layers of countries could join in additional or specific issues related to security guarantees.” In particular, the Rammstein-format states of more than 50 countries could form the basis of this broader group, which could become a formalized coalition of the willing.

In general, as can be seen from the above analysis, the essence of the “magic compromise” proposed in the Kyiv Security Compact is to:

- exclude from the list of international guarantees provided to Ukraine any use of the armed forces of the guarantor states, in other words “ without boots on the grounds”, but at the same time provide Ukraine with all necessary international assistance as security guarantees in volumes and within a timeframe sufficient to ensure Ukraine's sustainable ability to defend itself by itself against any Russian threat or military attack;
- fix and codify the security guarantees in a multilateral politically binding strategic partnership document named the Kyiv Security Compact and co-signed by Ukraine and a core group of allied states, but at the same time not exclude the possibility of concluding between them numerous and diverse legally binding bilateral international treaties that provide Ukraine with specific security guarantees.

In short, the Kyiv Security Compact offers Ukraine to defend itself by itself against any Russian threat or military attack without any boots of guarantor states on Ukrainian land but under their politically binding multilateral assurances and possible legally binding bilateral guarantees that provide Ukraine with the necessary political, financial, defence, diplomatic and sanctions resources for its self-defence.

It should also be noted that the above compromise did not fully suit the Ukrainian participants of the international expert group. This is easy to establish by comparing the Ukrainian and English versions of the title of the submitted document.

In particular, in the Ukrainian version the document is called: "Kyiv Security Treaty", whereas in the English version it is called "Kyiv Security Compact". At the same time, the term "treaty" presumes the legally binding character of the document. And the term "compact" is used primarily for the name of politically binding documents. In general, from a practical point of view, the main drawback of the "Kyiv Security Compact" is that it is only a concept of a future agreement (agreements) on security guarantees for Ukraine, but not the actual draft text of the corresponding agreement (agreements).

At the same time, it is fundamentally important that on the eve of the Summit in Vilnius, the key NATO member states support the idea of providing security guarantees to Ukraine before acquiring NATO membership on the basis of the Kyiv Security Compact. As A. Yermak emphasizes, "Today, all world leaders have a copy of the Kyiv Security Compact on their tables, today no one argues that this document is the basis of future security guarantees for Ukraine." On the contrary, Moscow considered the Kyiv Security Compact as a clear challenge to its security, since the document "does not eliminate the threat to the Russian Federation."

## Policy Implications: Where are we now?

As briefly as possible, the current situation with the provision of security guarantees to Ukraine can be described by the immortal words of William Shakespeare: “Much Ado About Nothing”.

More than a year has passed since Ukraine handed over the Ukrainian draft text “Treaty on Guarantees of Ukraine's Security” to the high representatives of the USA, Great Britain, France and Germany. But no official written response and/or counterdraft to the Ukrainian draft treaty was received from the above states.

Nine months after the publication of the Kyiv Security Compact, no publicly announced bilateral or multilateral negotiations were held to agree on its basis any specific text of an agreement/agreements on security guarantees for Ukraine.

At the same time, especially on the eve of the Vilnius summit, as can be seen from numerous statements by official representatives of Ukraine and NATO member states, the content, scope and mechanism of future security guarantees for Ukraine are being actively discussed through diplomatic channels, mainly in a bilateral format.

French President Emmanuel Macron on May 31 in Bratislava at the GLOBSEC security forum called on the members of NATO to offer Ukraine “tangible and credible” security guarantees as it battles Russia's invasion.

According to him, NATO members could provide these guarantees for the time being as Ukraine waits to join the alliance. “We have to build something between the security provided to Israel and full-fledged membership,” Macron said, thus formulating his vision of a compromise in Vilnius. Stressing that Ukraine “is today protecting Europe”, Macron also stated that it is in the West's interest and that “this will be the subject of collective talks in the following weeks (...)”.

According to Czech President P. Pavel, NATO countries are now considering two scenarios of security guarantees for Ukraine before its likely entry into the Alliance. “One is the guarantees given to Finland since the beginning of the accession process. A different approach to security guarantees is applied to Israel. Perhaps we will see something in the middle.”

In turn, on 2 June, President Zelensky made his move to compromise in Vilnius, stating he knew it was “impossible” for Ukraine to join NATO while Russia was at war with his country. “We understand that we won't be a member of NATO while this war is ongoing. Not because we don't want to, because it's impossible.” Zelensky said.

At the same time, almost immediately, President Zelensky sharply outlined the Ukrainian limits of a possible compromise in Vilnius. In his interview to American journalists on 3 June, he clearly stated that "If we are not acknowledged and given a signal in Vilnius, I believe there is no point for Ukraine to be at this summit", while asking rhetorically "How many lives of Ukrainians is worth one phrase at the Vilnius summit: Ukraine will be in NATO after this war?"

Three days later, Zelensky fleshed out his stance to Ukrainian journalists, saying he would not take part in the July NATO summit unless there were decisions on security guarantees for Ukraine and clear signals of its accelerated membership in the Alliance after the end of the war.

In general, Ukraine on the eve of the summit in Vilnius firmly defends the following position:

- the best and only guarantee of Ukraine's security should be Ukraine's membership in NATO. Accordingly, Ukraine seeks to adopt a clear algorithm for the accelerated admission of Ukraine to NATO after the end of the Ukrainian-Russian war during the Vilnius summit;
- before joining NATO, Ukraine expects to receive in Vilnius from the Alliance states guarantees of its security based on the Kyiv Security Compact, which under no circumstances should be considered as an alternative to Ukraine's accession to NATO; security guarantees for Ukraine (content, scope and mechanism of action) may be similar to those currently applied to Israel, as well as to Finland and Sweden before they joined NATO.

As can be seen from the above, although at some points the positions of NATO and Ukraine are quite close, in general, two weeks before the Vilnius summit there is no consensus among them either on the model of guarantees, or on what they entail and in what format security guarantees can be recorded. Everything is limited to statements of a conceptual level and there is no evidence that the parties are negotiating and preparing to sign any specific agreements or to accept some special documents.

It should also be emphasized that the provisions of the Budapest Memorandum are in no way taken into account in the course of the discussion of security guarantees for Ukraine. Thus, the ongoing diplomatic dialogue is aimed solely at developing new security guarantees for Ukraine and does not concern the implementation of existing ones.

## Policy Recommendations

### What are the possible options to move forward?

But will it be possible in Vilnius to find a middle ground in resolving the strategic dilemma of Ukraine's membership in NATO? It seems that such a compromise is highly desirable and necessary. This achievement in Vilnius is an imperative for NATO states and a moment of truth for Ukraine. Its essence should consist in the package adoption of two decisions:

- First, about a clear algorithm that would impose specific obligations on NATO for accelerated Ukraine's accession to NATO in accordance with the Finnish precedent;
- Second, about tangible and credible security guarantees for Ukraine from NATO and/or its individual members before Ukraine joins the Alliance.

### Possible options for Ukraine's algorithm for accelerated accession to NATO

**First option:** President V. Zelensky expects that the NATO Summit will adopt a "positive political decision" on Kyiv's application for membership in the Alliance, but while recognizing, however, that Ukraine's actual membership in NATO is impossible as long as the Ukrainian-Russian war continues. This compromise position of Ukraine provides an opportunity for NATO to give a positive response on Kyiv's application, but with certain suspensive conditions.

In the history of NATO, there were precedents of this kind, in particular, according to such a procedure, the admission of the former Yugoslav Republic of Macedonia (now republic of North Macedonia) to the Alliance was carried out and successfully completed. In paragraph 20 of the Bucharest Summit Declaration (2008) it was unequivocally stated that, due to the problems associated with the name of the country, NATO member states "agreed that an invitation to the former Yugoslav Republic of Macedonia will be extended as soon as a mutually acceptable solution to the name issue has been reached. We encourage the negotiations to be resumed without delay and expect them to be concluded as soon as possible".

Nothing prevents the adoption of a similar decision on Ukraine during the Vilnius summit, in which, in particular, it would be unequivocally declared that NATO member states "decided to invite Ukraine to become member of NATO and agreed that an invitation to Ukraine will be extended as soon as the war with Russia will be ended."

The positive aspects of this option are that, firstly, it contains a clear positive response to Ukraine's application for NATO membership and secondly, in accordance with it, the NATO member states and NATO itself as an interstate organization, within the framework of this formula, undertake clear obligations to begin the accession procedure for Ukraine, in the event of a predetermined condition.

The negative aspects are that, firstly, it links Ukraine's accession to NATO to the definition of the end of the war between Ukraine and Russia, which can be interpreted differently by both Ukraine and individual NATO countries; secondly, by making Ukraine's membership in NATO conditional on the end of the war, the Alliance thereby encourages Russia to continue the war indefinitely in order to prevent Ukraine's NATO membership and thirdly, at the Vilnius summit it may not be possible to reach a consensus on Ukraine's invitation to NATO.

**Second option:** In the absence of a consensus on inviting Ukraine to NATO in Vilnius, the Summit's Final Document could fix the obligations of the Alliance states to consider inviting Ukraine to NATO during the NATO Summit in Washington in 2024.

In particular, that "NATO welcomes and supports Ukraine's 30 September 2022 application for accelerated NATO membership and is going to address this issue during next Summit in Washington including in its agenda an invitation to Ukraine to join NATO."

The positive aspects of this option are that, firstly, it sets a clear time frame for NATO's response to Ukraine's bid to join the Alliance; secondly, it does not link the beginning of the process of Ukraine's accession to NATO with the end of the war with Russia and thirdly, it sets out specific NATO commitments regarding Ukraine's application for NATO membership.

At the same time, its key disadvantage, in comparison with the first option, is that it leaves the question of Ukraine's membership in NATO in strategic uncertainty for another year, which will certainly stimulate Russia to escalate hostilities.

**Third option:** In Vilnius, NATO will not be ready to make any specific commitments regarding the prospects for Ukraine's membership in the Alliance. The Summit's Final Document will limit itself to repeating, perhaps in a slightly updated version, the formula of the Bucharest Summit (2008), namely, that Ukraine "will become member of NATO", without defining any specific algorithm for the practical implementation of this formula.

For Ukraine, this option is absolutely unacceptable. Although it can be somewhat softened if it is announced in Vilnius that the future accession of Ukraine to NATO will take place according to an accelerated procedure similar to the Finnish scenario. The Bucharest formula provided that "MAP is the next step for Ukraine and Georgia on their direct way to membership".

For NATO, the choice of the third option will mean a certain moral degradation and strategic myopia. The Alliance will demonstrate its inability to pursue a security policy in accordance with its declared values and to give an adequate response to strategic challenges. Russia will be sent a signal to recognize its de facto right to veto Ukraine's membership in NATO. The Ukrainian nation will perceive a moral shock and a strategic security vacuum.

## Possible Options for Providing Security Guarantees to Ukraine at the Vilnius NATO Summit

As shown above, the practical readiness of both NATO and its individual members during the Vilnius Summit to sign any specific agreements or to accept some special documents on security guarantees for Ukraine is extremely low. Unfortunately, there is no time left for their preparation.

Therefore, it seems that the only thing that can and should be done in Vilnius is to record in a separate section of the Summit's Final Document the consolidated position of all members of the Alliance regarding the provision of security guarantees for Ukraine from NATO and/or its individual members. In particular, such a consolidated position could include the following options.

**First option:** Inclusion in the Vilnius Summit's Final Document of a general provision declaring NATO's commitment to provide assistance to Ukraine to fight a military attack on it.

Since the NATO member states are close to consensus that they could provide security guarantees to Ukraine according to the Israeli or Finnish model, it is highly desirable that the text of the corresponding NATO commitment to Ukraine be as close as possible to the text of the documents, according to which Israel and Finland received their security guarantees. This would unequivocally emphasize the "tangible and credible" nature of the guarantees provided to Ukraine in this way.

In particular, it could be stated in the Vilnius Summit's Final Document, as recorded in the United Kingdom - Finland Statement of 11 May 2022, that: "On the basis of solidarity, values and geographical proximity NATO will meet challenges in peace, crisis and conflict together with Ukraine. Should Ukraine suffer a disaster or attack, NATO will, upon request from Ukraine assist in a variety of ways, which may include military means".

**Second option:** Inclusion in the Final Document of the provision calling for members of the Alliance to conclude with Ukraine separate bilateral or multilateral agreements on providing security guarantees to Ukraine before acquiring NATO membership on the basis of the Kyiv Security Compact, in particular, similar to those concluded by the United States with Israel, Japan and South Korea; Great Britain with Finland and Sweden; Türkiye with Azerbaijan. It should be noted that the contractual practice of individual



NATO member states in the field of providing security guarantees by a state that is not a member of NATO is numerous and varied.

In this context, for Ukraine, the Shusha Declaration on Allied Relations between the Republic of Azerbaijan and the Republic of Turkey dated 16 June 2021, is of particular interest, since it is concluded by a NATO member state with a state that is at war with a neighbouring country, but despite this, the possibility of "boots on the grounds" is not ruled out.

In particular, it clearly states that "If, in the opinion of one of the parties, there is a threat or an act of aggression from a third state or states against their independence, sovereignty, territorial integrity, the inviolability or security of their internationally recognized borders (...) a decision will be made to secure defence needs for the adoption of joint measures and coordinated activities will be organized of power-wielding and administrative agencies of the Armed Forces." It is also fundamentally important for Ukraine that this declaration has been ratified by the parliaments of both states, that is, it has the status of a legally binding treaty.

**Third option:** To call on the members of the Alliance for the period before Ukraine's accession to NATO on a permanent basis to provide Ukraine with military and financial assistance in the amounts necessary for a successful fight against Russian aggression. By analogy with the principle adopted by NATO, the Alliance could also call on its members to fix the level of appropriate financial assistance to Ukraine at a certain percentage of the GDP of each NATO member.

**Fourth option:** In the Final Document, to call on the United States, Great Britain and France as guarantor states under the Budapest Memorandum of Sovereignty and Territorial Integrity of Ukraine to take urgent measures to deter Russia from using tactical nuclear weapons against Ukraine.

**Fifth option:** In the Final Document, to authorize the Ukraine-NATO Council established during the summit to prepare, as a matter of priority, a draft text of a joint Declaration on Ukraine's security guarantees.

## Conclusion

History is being made in Vilnius. If NATO members at the Vilnius Summit give Ukraine a clear political signal of its invitation to become a member of the Alliance in the near future, as well as provide Ukraine with effective and reliable security guarantees before joining NATO, this will certainly be NATO's historic investment in the early end of the Ukrainian-Russian war and in achieving the conditions for a just peace for Ukraine.

In accordance with the NATO Charter, an invitation does not imply immediate accession. These are different procedures that are implemented in different time periods. In particular, even in the case of Finland's fastest NATO accession, the process took almost a year. In addition, Ukraine expressed its explicit consent to the synchronization of the process of its accession to the Alliance with the end of the war with Russia. This gives NATO the opportunity to apply the Macedonian precedent to Ukraine in Vilnius, i.e. to give a positive response to Ukraine's official application to join the Alliance, at the same time stipulating the process of its accession with a number of additional conditions.

The invitation, the provision of effective and reliable security guarantees and further conditional accession of Ukraine to NATO will not only be the most effective instruments of justful settlement of the Ukrainian-Russian war but also promote a possibility of restoration of European security architecture and strengthen Euro-Atlantic security.

# People make peace and security possible

## **Geneva Centre for Security Policy**

Maison de la paix  
Chemin Eugène-Rigot 2D  
P.O. Box 1295  
1211 Geneva 1  
Switzerland  
Tel: + 41 22 730 96 00  
e-mail: [info@gcsp.ch](mailto:info@gcsp.ch)  
[www.gcsp.ch](http://www.gcsp.ch)

ISBN: 978-2-88947-414-1



**GCSP**  
Geneva Centre for  
Security Policy